



COPY OF PAPERS
ORIGINALLY FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James G. Clough
Serial No.: 09/693,235
Filed : October 20, 2000
Title : ORTHOPEDIC SHOE APPLIANCE AND METHOD

Art Unit : 3728
Examiner : Jila Mohandesi

Assistant Commissioner for Patents
Washington, DC 20231

REPLY UNDER 37 CFR § 1.111

Dear Sir:

In response to the Office Action dated December 1, 2001, please consider the included remarks.

REMARKS

Applicant thanks the Examiner for the careful review of this application. Please reconsider the application in view of the following remarks.

I. Double Patenting Rejection

Regarding the rejection of claims 1-23 on the grounds of obvious-type double patenting, a terminal disclaimer complying with 37 CFR 1.321(c) has been submitted per the Examiner's suggestion. Because the owner of U.S. Patent No. 6,170,176 and the Applicant in the present application are one and the same, the terminal disclaimer is believed to be in compliance with 37 CFR 1.130(b). Based on this disclaimer, the Applicant respectfully requests that the obvious-type double patenting rejection to claims 1-23 be withdrawn.

II. Rejections Under 35 U.S.C. § 102

Regarding the rejection of claims 1-3 and 10-13 under 35 U.S.C. 102(e) as anticipated by Rothbart (6,092,314), the Applicant respectfully traverses on the grounds that the instant device contains limitations not disclosed by the reference. Rothbart '314 discloses a device extending from the hallux through the posterior end of the first metatarsal (Col. 6, L. 30-37 and

#3/1/02
Recon
V. Hart
4/10/02
RECEIVED
MAR 19 2002
TC 3100 (ALL ROOM)